

## Chapter 25.05 - BOARD OF BUILDING APPEALS

### Editor's Note:

Sections 59 to 67 of Ordinance 52132 were originally codified as Sections 25.32.610 to 25.32.690. They have been recodified in this chapter at the City's suggestion.

### Sections:

#### 25.05.010 - Jurisdiction.

The Board of Building Appeals shall have jurisdiction to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or any determination made by the Building Commissioner or the Health Commissioner in the enforcement of the "Minimum Nonresidential Standards Law."

(1960 C., § 399.580; 1994 C., § 25.05.010; Ord. No. 52132, § 59, 1963.)

#### 25.05.020 - Appeal procedure.

Appeals may be taken to the Board of Building Appeals by any person aggrieved by any decision of the Building Commissioner or Health Commissioner. Such appeal shall be taken within 30 days after the decision is rendered by filing with the Building Commissioner a notice of appeal specifying the grounds therefor, and by depositing with such Commissioner the sum of \$15.00 as a docket fee. The Building Commissioner or Health Commissioner shall forthwith submit to the Board a copy of this notice of appeal together with all the papers constituting the record upon which the action appealed from is taken.

(1960 C., § 399.590; 1994 C., § 25.05.020; Ord. No. 52132, § 60, 1963.)

#### 25.05.030 - Stay pending appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Commissioner or Health Commissioner shall certify to the Board subsequent to the filing of any notice of appeal, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by the order of any court of competent jurisdiction.

(1960 C., § 399.600; 1994 C., § 25.05.030; Ord. No. 52132, § 61, 1963.)

### Editor's Note:

Section 126.6 of Ordinance 58032 approved March 25, 1980 provides that a restraining order may be granted by the Board of Building Appeals on application and on notice to the Building Commissioner or other City Officer whose decision is being appealed; or by a court of competent jurisdiction.

#### 25.05.040 - Inspection reports to be furnished.

The Building Commissioner and the Health Commissioner shall furnish the Board of Building Appeals, upon request, copies of reports of any or all inspections made by such officers in the matter on appeal and furnish such other information as may be available to them and requested by the Board.

(1960 C., § 399.610; 1994 C., § 25.05.040; Ord. No. 52132, § 62, 1963.)

#### 25.05.050 - Hearing of appeals.

The Board of Building Appeals shall fix a time and place for the hearing of appeals. Such hearing shall be had within a reasonable time after the filing of the notice of appeal. Notice of the time and place of hearing shall be mailed to the appellant or to his attorney of record and such hearing shall not be less than 10 days after the mailing of the notice.

(1960 C., § 399.620; 1994 C., § 25.05.050; Ord. No. 52132, § 63, 1963.)

#### 25.05.060 - Powers of Board of Building Appeals.

In exercising its powers, the Board of Building Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made.

(1960 C., § 399.630; 1994 C., § 25.05.060; Ord. No. 52132, § 64, 1963.)

#### 25.05.070 - Action of Board of Building Appeals.

The Board of Building Appeals shall act by majority vote, and a quorum shall consist of at least 5 members. The action of the Board shall not become effective until after the resolution of the Board setting forth the full reason for its decision and the vote of each member participating therein has been spread upon the minutes. Such resolutions, immediately following the Board's final decision, shall be filed in the office of the Board and shall be open to public inspection.

(1960 C., § 399.640; 1994 C., § 25.05.070; Ord. No. 52132, § 65, 1963.)

#### 25.05.080 - Powers additional to those in Building Code.

The powers granted by this law to the Board of Building Appeals shall be in addition to those conferred upon it by the Building Code.

(1960 C., § 399.650; 1994 C., § 25.05.080; Ord. No. 52132, § 66, 1963.)

#### 25.05.090 - Judicial review for aggrieved persons.

Any person or persons jointly or severally aggrieved by the decision of the Board of Building Appeals or any official, department, board or bureau of the City, shall be entitled to a judicial review of the decision rendered by the Board of Building Appeals as provided in the Administrative Procedure and Review Act of the State of Missouri, being RSMo 536.100 to 536.140.

(1960 C., § 399.660; 1994 C., § 25.05.090; Ord. No. 52132, § 67, 1963.)